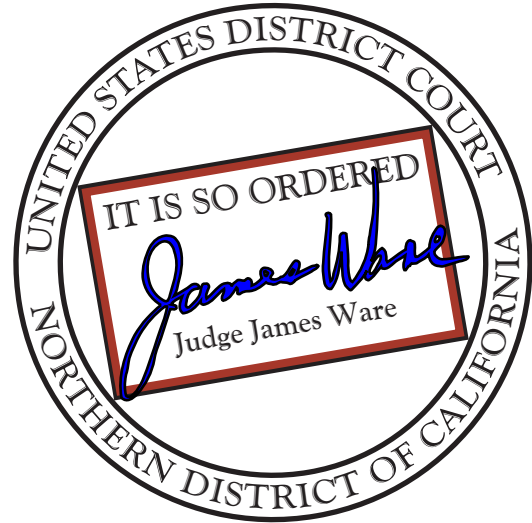


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 COUNTY OF MONTEREY, AND ANTHONY ANCHUNDO



UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

SABRAS RANGEL AND MARIA BUELL,

Plaintiffs,

vs.

COUNTY OF MONTEREY, a governmental
 corporation formed under the laws of The State Of
 California; THE BOARD OF SUPERVISORS OF
 THE COUNTY OF MONTEREY; AND
 ANTHONY ANCHUNDO, in his official capacity
 as the Registrar Of Voters For The County Of
 Monterey,

Defendants.

Case No.: C 06-02202 JW

ASSIGNED TO:
 HON. JAMES WARE

STIPULATION AND ~~[PROPOSED]~~ ORDER

1 WHEREAS, this action involves the question of whether an election regarding a
2 referendum petition circulated in English only should take place in light of the Federal Voting Rights
3 Act;

4 WHEREAS, a specific issue is whether section 203 of the Federal Voting Rights Act
5 applies to referendum petitions;

6 WHEREAS, at the time the action was filed, an important precedent with respect to such
7 a legal issue was the case of *Padilla v. Lever*, 429 F.3d 910 (9th Cir. 2005), a case involving a recall
8 petition;

9 WHEREAS, the Ninth Circuit Court of Appeals has determined to reconsider that
10 decision before an *en banc* panel;

11 WHEREAS, pending the decision of the *en banc* panel, the prior decision may no longer
12 be cited as precedent before this Court;

13 WHEREAS, knowing the decision of the *en banc* panel will be of benefit to this Court in
14 this case, which may eventually turn on what decision the *en banc* panel makes; and

15 WHEREAS, the parties do not wish to waste the resources of this Court and spend their
16 own resources on pursuing this case until the decision of the *en banc* panel is known;

17 THEREFORE, the parties hereby stipulate and request the Court to enter an order that:
18 this proceeding is stayed pending the Court of Appeals decision with respect to *Padilla v. Lever*; the
19 pending case management conference and other deadlines are taken off calendar; and the parties shall
20 inform the Court no later than 30 days after the decision by the *en banc* panel of the Ninth Circuit Court
21 of Appeals that the decision has been made. This stipulation is subject to being withdrawn if the parties
22 in the related case of *Rancho San Juan Opposition Coalition v. Board of Supervisors of the County of*
23 *Monterey*, Northern District Court Case No. C 06-2369 PVT determine to proceed to hearing or trial, or
24 if other events so require.

Dated: May 10, 2006

NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

/ S /

By: _____
STEPHEN N. ROBERTS

Attorneys for Defendants
COUNTY OF MONTEREY, THE BOARD OF
SUPERVISORS OF THE COUNTY OF MONTEREY, AND
ANTHONY ANCHUNDO

Dated: May 10, 2006

JOAQUIN G. AVILA

/ S /

By: _____
JOAQUIN G. AVILA

Attorneys for Plaintiffs
SABAS RANGEL and MARIA BUELL

ATTESTATION I, Stephen N. Roberts, am the ECF User whose identification and password are being used to file this document. In compliance with General Order 45.X.B, I hereby attest that Joaquin G. Avila has concurred in this filing.

/S/

Stephen N. Roberts

ORDER

GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that:

1. This proceeding is stayed pending the Court of Appeals decision with respect to *Padilla v. Lever*;
2. The pending case management conference and other deadlines are taken off calendar; and
3. The parties shall inform the Court no later than 30 days after the decision by the *en banc* panel of the Ninth Circuit Court of Appeals that the decision has been made. This stipulation is subject to being withdrawn if the parties in the related case of *Rancho San Juan Opposition Coalition v. Board of Supervisors of the County of Monterey*, Northern District Court Case No. C 06-2369 PVT determine to proceed to hearing or trial, or if other events so require.

Dated: 5/22/06



HON. JAMES WARE
U.S. District Court Judge